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Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022-2585

In re Application of: Kojima, et al.)
Application No. 09/668,995) DECISION ON PETITION TO
Attorney Docket No. FUJY17.788) WITHDRAW HOLDING OF
Filed: September 25, 2000) ABANDONMENT UNDER 37 CFR
For: DATA MANAGEMENT) §1.181
APPARATUS OF SWITCHING SYSTEM)

This is a decision on the request for reconsideration filed on May 3, 2005. The instant application was held abandoned for failure to respond to the non-final Office action mailed March 15, 2004. A petition to withdraw the holding of abandonment based on failure to receive the office action (M.P.E.P. §711.03(c)) was timely filed on January 27, 2005 and subsequently dismissed in the decision mailed on April 28, 2005 for the reasons set forth therein.

Petitioner has provided supplemental evidence in the latest filing which includes practitioner's statement asserting to the fact that the copy of the docket report (previously provided with the petition of January 27, 2005), were from the docketing records (docketing system) at the address of record, Helfgott & Karas, PC (Empire State Building, 60th floor, New York, NY 10118) transferred to the docketing system at Katten Muchin Zavis Rosenman (now Katten Muchin Rosenman LLP).

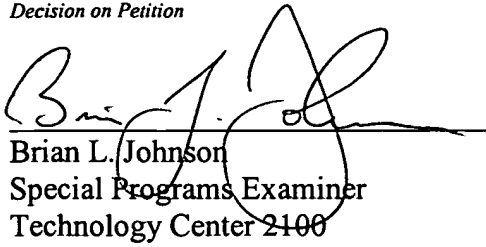
According to MPEP §711.03(c)(I)(A), the showing required to establish non-receipt of an Office action includes the following:

- a) a statement from the practitioner that the Office communication was not received;
- b) a statement from the practitioner that the file jacket and docket records were searched;
- c) a copy of the docket record (where the non-received Office communication would have been received and docketed) at the address of record; and
- d) a reference to the docket record in the practitioner's statement.

Since all of the criteria set forth above have been met, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to **WITHDRAW** the holding of abandonment and restore the instant application to pending status, before **REDATING** and **REMAILING** the non-final Office action (originally mailed March 15, 2004) to the Applicant.

Application No. 09/668,995
Decision on Petition



Brian L. Johnson

Special Programs Examiner
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